

Application No.: 09/397,008

Docket No.: 21736-00012-US

Applicant contacted the Examiner shortly after the Action was issued and pointed out the defect in the Action. The Examiner, at that time, indicated that he would be issuing a new Office Action. On several other occasions, an Office Action was promised. On September 20, the Examiner indicated that an Action had actually been written (by August 20) but for some reason had not yet been mailed.

Accordingly, Applicant fully expects an Office Action to be issued obviating the need for Applicant to respond to the Action of April 9, 2004. However, this Notice of Appeal is being filed merely to insure that the Application does not become abandoned for failure to respond to that Action.

Please charge our Deposit Account No. 22-0185 in the amount of \$330.00 covering the fee set forth in 37 CFR 41.20(b)(1). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 22-0185, under Order No. 21736-00012-US. A duplicate copy of this paper is enclosed.

Dated: October 8, 2004

Respectfully submitted,

By Stanley B. Green

Stanley B. Green

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